

Docket No. 212/473

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Thomas A. Howell

Serial No.: 10/619,710

Filed: July 14, 2003

For: Power Supply for  
Identification and Control of  
Electrical Surgical Tools

Art Unit: 3739

Examiner: Vrettakos, Peter J.

RECEIVED  
CENTRAL FAX CENTER  
JUL 06 2005FACSIMILE COVER SHEETRECEIVED  
OIPE/IAP

JUL 08 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax 571 273 4775

Sir:

Faxed with this transmittal sheet please find the  
following correspondence for this application:

- ☒ Terminal Disclaimer
- ☒ Payment of Terminal Disclaimer Fee

Please acknowledge receipt of these application papers by  
affixing the Patent and Trademark Office Stamp to this sheet and  
returning this sheet to our office via fax at 949 588 6172.

Date: July 6, 2005

K. David Crockett, Esq., 34311  
Crockett & Crockett  
24012 Calle De La Plata, Suite 400  
Laguna Hills, CA 92653  
Tel: 949 588 6171  
Fax: 949 588 6172

---

\* The information contained in this transmission is of a confidential nature and intended only for the use of the entity to whom it is addressed. If you have received this transmission in error, please notify us immediately and return the original transmission to us.

Thank you.

---

**BEST AVAILABLE COPY**

Docket No. 212/473

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Thomas A. Howell

Serial No.: 10/619,710

Art Unit: 3739

Filed: July 14, 2003

For: Power Supply for  
Identification and Control of  
Electrical Surgical Tools

Examiner: Vrettakos, Peter J.

TERMINAL DISCLAIMER TRANSMITTAL

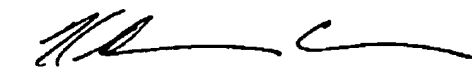
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This terminal disclaimer is filed upon request of the  
Examiner, made by telephone on July 6, 2005.

Date: July 6, 2005

By:



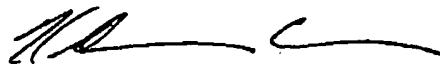
K. David Crockett, Esq.  
Reg. No. 34311

Certificate of facsimile transmission

I hereby certify that this response (along with any paper referred to as being  
attached or enclosed) is being facsimile transmitted to the Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450 at the facsimile telephone number indicated  
below.

Fax No. 571 273 4775

Date: July 6, 2005



K. David Crockett, Esq.

BEST AVAILABLE COPY

RECEIVED  
CENTRAL FAX CENTER

T-027 P.003/004 F-351


JUL 06 2005

PTO/SB/26 (10-00)

Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>		<b>Docket Number (Optional)</b> 212/473
<p>In re Application of: Thomas A. Howell</p> <p>Application No.: 10/619,710</p> <p>Filed: July 14, 2003</p> <p>For: Power Supply for Identification and Control of Electrical Surgical Tools</p> <p>The owner*, <u>Starion Instruments</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,695,837</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <div style="text-align: right; margin-right: 100px;">         Signature     </div> <div style="text-align: right; margin-right: 100px;">       7/6/05        Date     </div> <div style="text-align: right; margin-right: 100px;">       K. David Crockett, Esq.        Typed or printed name     </div> <p><input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).        Form PTO/SB/98 may be used for making this certification. See MPEP § 324.</p>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

BEST AVAILABLE COPY

07/11/2005 WABDLR1 00000040 033700 10619710  
 01 FC:2814 65.00 DA

212/473

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Thomas A. Howell

Serial No.: 10/619,710

Filed: July 14, 2003

For: Power Supply for  
Identification and Control of  
Electrical Surgical Tools

Art Unit: 3739

Examiner: Vrettakos, Peter J.

RECEIVED  
CENTRAL FAX CENTER  
JUL 07 2005

PAYMENT OF ADDITIONAL FEES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

- ☒ A terminal disclaimer fee of \$65 is due (37 CFR 1.20(d)).
- ☐ The Commissioner is hereby authorized to charge payment of the fees associated with this communication, per the attached credit card payment form.
- ☒ The Commissioner is hereby authorized to charge payment of the fees associated with this communication, any deficiency in the fee paid, or credit any overpayment, to Deposit Account 03-3700.

Date: July 6, 2005 By:



K. David Crockett, Esq.  
Reg. No. 34311

BEST AVAILABLE COPY